

VZCZCXYZ0000
PP RUEHWEB

DE RUEHTI #0798/01 2091258
ZNY CCCCC ZZH
P 281258Z JUL 06
FM AMEMBASSY TIRANA
TO RUEHC/SECSTATE WASHDC PRIORITY 4614
INFO RUEHTH/AMEMBASSY ATHENS 2953
RUEHBW/AMEMBASSY BELGRADE 2746
RUEHRO/AMEMBASSY ROME 5322
RUEHVJ/AMEMBASSY SARAJEVO 0465
RUEHSQ/AMEMBASSY SKOPJE 4144
RUEHVB/AMEMBASSY ZAGREB 2968
RUEHPS/USOFFICE PRISTINA 3449
RUEHNO/USMISSION USNATO 3292
RUEHVEN/USMISSION USOSCE 2182
RUEHBS/USEU BRUSSELS
RUEAWJA/DEPT OF JUSTICE WASHDC

C O N F I D E N T I A L TIRANA 000798

SIPDIS

SIPDIS

DEPT FOR EUR/SCE (DAVIS, SAINZ)

E.O. 12958: DECL: 07/26/2016

TAGS: [PGOV](#) [KJUS](#) [KCRM](#) [AL](#)

SUBJECT: PARLIAMENT VOTES TO DISMISS PROSECUTOR GENERAL;
PRESIDENT MOISIU SEEKS INTERNATIONAL COVER

REF: TIRANA 740

Classified By: Ambassador Marcie B. Ries, Reasons 1.4 (B) and (D).

11. (C) SUMMARY: As expected, Parliament approved the Special Investigative Committee report recommending that President Moisiu dismiss Prosecutor General Sollaku. The ball is now in Moisiu's court. The President is determined not to dismiss Sollaku, but he is seeking international cover for his decision to block an action taken by a majority of the Parliament. Taken with other battles, this adds to the continued tense political atmosphere in Albania, which -- in addition to a standoff between the government and the opposition -- now includes a battle of wills between President and Prime Minister. END SUMMARY.

12. (U) On July 24, Parliament voted as expected to accept the majority report recommending that President Moisiu dismiss Prosecutor General Theodhori Sollaku. The motion passed with 79 votes on a record vote. The opposition left the hall prior to the vote after extensive and rancorous political debate with little reference to the constitutional and legal issues at play.

13. (C) The issue now rests with President Moisiu, who under Albania's Constitution is the only authority empowered to dismiss the Prosecutor General (PG). The Constitution provides four reasons for which the PG could be dismissed: violations of the Constitution, serious violations of the law during the exercise of his duties, mental or physical incapacity, or acts and behavior that seriously discredit prosecutorial integrity and reputation. There is no deadline for the President's decision, although the opposition has publicly called for him to act by the end of September. The government does not appear to have proven any violation that would meet the constitutional requirements for dismissal, relying in the July 24 debate more on exhortations of the "evil" group to which Sollaku was allegedly tied and his "compact with the devil" than to specific charges backed by evidence.

14. (C) Moisiu recently called Council of Europe and OSCE representatives and asked for public support for not dismissing Sollaku. Ambassador Ries has been asked to meet Presidential Adviser Kapllani, and we expect the request to

be the same. The international, message to the President has been private encouragement for his insistence on supporting Sollaku, but politely declining to take sides in what is increasingly seen as a contest of wills between Prime Minister and President.

15. (C) PG Sollaku told Embassy's OPDAT adviser that President Moisiu had given him firm assurances of support in the past, but Sollaku acknowledged that Moisiu was under enormous political pressure. Sollaku anticipated that Moisiu would seek to convene a panel of foreign and Albanian legal experts to offer him advice (and cover). OPDAT contacts confirmed that, indeed, the President's Legal Adviser had asked PAMECA (the EU police assistance body) and Euralius (the EU judicial assistance organization) to participate in such a panel, to be convened toward the end of August. Our contacts suggest that the EU might agree to advise the president privately, but would decline to be part of a public decision-making body.

16. (C) Earlier in the week, Moisiu wrote an open letter to the Parliament decrying the resorting to name calling during the Parliamentary debate and calling on the Legislators to respect the law and the Constitution. Most observers interpreted this as a slap at the DP-led majority.

17. (C) COMMENT: The decision over the future of PG Sollaku has now evolved into a public contest between the President and the Prime Minister. We expect President Moisiu to be disappointed in his quest for public international cover for the action we believe he is prepared to take -- rejecting the call to dismiss the PG. We do not, however, expect him to act before Albania's August summer vacation season. When Moisiu acts, it is likely to provoke a very sharp response

from the Prime Minister (and the majority in Parliament), who has staked considerable personal and party prestige on getting his way. Taken together with heated disputes over the High Council of Justice, the Central Election Committee, and other issues large and small, this battle, with its personal as well as institutional elements, does not augur well for progress on issues requiring cooperation between institutions to succeed, such as electoral reform. END COMMENT.

RIES